

1 IN THE UNITED STATES DISTRICT COURT  
2 FOR THE DISTRICT OF NEW MEXICO  
3 UNITED STATES OF AMERICA,  
4 Plaintiff,  
5 vs. NO: CR-15-4268 JB  
6 ANGEL DELEON, et al.,  
7 Defendants.  
8

9 Transcript of Excerpted Testimony of  
10 GUADALUPE URQUIZO

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EXHIBIT

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PENGAD 800-631-6889

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1 getting hit?

2 A. No, that was actually the third time. The  
3 last time that I had a conversation with him was  
4 with -- he had got moved for 3-A; he was in Q pod.  
5 And I was outside at rec and over there in 3-A Q pod...  
6 you could talk to the people that are in the cages.  
7 I was in the first cage, and I told him I was  
8 leaving to the South.

9 Q. What did Mr. Baca say when you told him  
10 you were leaving to the South?

11 A. He told me, "Don't forget that message.  
12 Take care of that."

13 I told him, "I already know. I got you."

14 Q. What do you understand he meant when he  
15 said, "Don't forget that message. You need to take  
16 care of that"?

17 A. He spelled it out on the window for me.  
18 He didn't yell it out, but he said "Javier Molina."

19 Q. How did he spell it out on the window?

20 A. With the sign language. With his hands.  
21 We know how to talk with our hands. We know how to  
22 do letters like this. That's how he did it.

23 Q. Talking with your hands -- is that one of  
24 the ways that the SNM talks in code?

25 A. Yes, sir.

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1 Q. So with his hands he told you it was  
2 Javier Molina?

3 A. Yes, sir.

4 Q. At some point were you moved down to the  
5 South facility at PNM?

6 A. Yeah. That same day that I talked to him,  
7 that's the day I left to the PNM South.

8 Q. And at some point at PNM South, did David  
9 Calbert come down to PNM South, and was he housed  
10 with you?

11 A. Yes, sir. February -- I believe February  
12 of 2014, he showed up to the PNM South.

13 Q. And what happened when he showed up to the  
14 PNM South?

15 A. He had the paperwork for Javier Molina.  
16 So he called me, Robert Martinez, and Mauricio  
17 Varela to his house, and he showed the paper to us  
18 through the window and then he passed it to me.

19 Q. The house? What do you mean by "the  
20 house"?

21 A. Oh, his cell. Yeah, in front of his cell  
22 door.

23 Q. So he was inside of his cell, and who was  
24 on the outside?

25 A. Me, Mauricio Varela, and Robert Martinez.

1 For the first seven days, it's orientation, so he  
2 can't come out. So we were in front of his door.

3 Q. And what did Mr. Calbert tell you?

4 A. That he had the paperwork for the hit on  
5 Javier Molina, and I told him -- he said, "Pup wants  
6 this done."

7 I said, "Yeah, I already know. I talked  
8 to him."

9 Q. Did he give you the paperwork?

10 A. Yes, sir, he did.

11 Q. What did the paperwork look like?

12 A. It was a white paper, and it had a  
13 person's name on the top side with Social Security  
14 and all that, address, and it was a whole typed  
15 paper. And the wording on there, do you want me to  
16 tell you what it said on there?

17 Q. Hold on. We'll get to that. Was it one  
18 page, two-page?

19 A. It was just the one page.

20 Q. And was it front and back, or just on the  
21 front?

22 A. No, just one. Just the front page.

23 Q. Was it -- what did it look like? Was it  
24 just black and white?

25 A. Black and white. It was a Las Cruces

1 police report. And I could tell it was a police  
2 report.

3 Q. What did the paperwork say? Why was it  
4 paperwork on Mr. Molina?

5 A. It said that he was in -- that it wasn't  
6 him that did the purse-snatching; that it must have  
7 been one of the other guys. And he named Jesse Sosa  
8 as one of the other guys that did the  
9 purse-snatching; that he was just sitting in the  
10 car. It was pretty much one sentence, maybe two  
11 sentences. That's it.

12 Q. Where did the purse-snatching happen, if  
13 you remember?

14 A. I believe it said by the mall. By the  
15 front of the mall or behind the mall.

16 Q. In what city?

17 A. Right here in Las Cruces.

18 Q. Did you -- what did -- did you and anyone  
19 talk about the paperwork?

20 A. Yeah. While we were there, we discussed  
21 it and we're, like, "Man." I mean, before  
22 everything happened we like laughed at it and said,  
23 "Man, this ain't really telling," because it wasn't  
24 really telling.

25 Q. Who is "we"?

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1 A. Me, David Calbert, Mauricio Varela, and  
2 Robert Martinez.

3 Q. And did you still agree to transport the  
4 paperwork from the South facility to Southern New  
5 Mexico?

6 A. Yes, sir. Yeah.

7 Q. Why?

8 A. Because it's a hit. It's an order to hit,  
9 and you can't just get rid of it. You would have a  
10 hit on yourself for that.

11 Q. Did you willingly take the paperwork from  
12 the South facility to Southern?

13 A. Yes, sir.

14 Q. Did you know or think that that would  
15 result in Javier Molina being murdered?

16 A. Yes, they wanted him murdered. It wasn't  
17 just an assault. They wanted a murder.

18 Q. What did you do with the paperwork after  
19 Mr. Calbert gave it to you?

20 A. I put it with the paperwork. I had a lot  
21 of paperwork for my Court of Appeals. It's a whole  
22 stack. So I took half of it out and put it there,  
23 and put all my paperwork back together.

24 Q. So you put it in your legal paperwork, in  
25 the Court of Appeals paperwork?

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1 A. Yes, sir.

2 Q. How big was the Court of Appeals stack?

3 A. Probably about this much of a big stack.

4 There was probably like 1,000 sheets of paper.

5 There was a lot of Court of Appeals for seven or  
6 eight years, so it's a lot of paperwork.

7 Q. So I've got here two Redwelds full of  
8 pages. Was it thicker or less thick than this?

9 A. Probably a little bit thicker.

10 Q. A little bit thicker than these two  
11 Redwelds full of paper?

12 A. Yes, sir.

13 Q. Why did you stick it in the middle of your  
14 legal paperwork?

15 A. Because corrections officers really --  
16 they can't go through your legal paperwork. Once  
17 you get transferred somewhere, they're supposed to  
18 maybe have, like, a legal library guy that's  
19 supposed to go through your paperwork, more or less,  
20 and look at it and give it to you. So I knew the  
21 chances of that happening -- usually they just put  
22 all your property in the bag and inventory and give  
23 it to you. So I figured that would be the easiest  
24 way to do it.

25 Q. At some point were you transferred from

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1 BY MR. BECK:

2 Q. Mr. Urquizo, I'm showing you what's been  
3 admitted as Exhibit EQ.

4 THE COURT: EQ has been admitted.

5 Q. Do you recognize this exhibit?

6 A. Yes, sir.

7 Q. I'm going to zoom in on the top. Is that  
8 your handwriting that says Q and R?

9 A. Yes, sir.

10 Q. And I think you testified that you said  
11 when you talked to Mr. Baca, he was in Q pod?

12 A. Yes, sir.

13 Q. Is that here on the left where you marked  
14 Q?

15 A. Yes.

16 Q. All right. And up here, just above Q, I'm  
17 circling at the top left of that screen in the dark  
18 area, is that the cage that you were in?

19 A. Yes. It's actually a whole cage. All the  
20 way from the whole front end, that's a big cage.  
21 It's a handball court, so it's actually a whole  
22 cage.

23 Q. Let me see if I can clear this again  
24 without Ms. Standridge's help.

25 A. All windows on Q pod are facing that cage.

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1 Q. So now I circled that whole dark-black  
2 area. Is that one --

3 A. What I mean is, you see there is a first  
4 cage and there is like a hall right there? The left  
5 side, where Q pod -- the whole part of Q pod, that's  
6 a cage right there. Yes, there you go.

7 Q. This whole rectangular area, the dark  
8 area?

9 A. Yes.

10 Q. So is that the cage that you were in?

11 A. Yes, sir.

12 Q. And Mr. Baca, again, was just right there  
13 when you marked Q; is that right?

14 A. No, he was in Q106.

15 Q. Where is that? On the left side, the  
16 middle?

17 A. Going towards R pod, the last cell.

18 Q. So that area at the top right?

19 A. It's a little bit more to your left, but  
20 pretty much right there.

21 Q. Okay. And you said you believe your first  
22 conversation with Mr. Baca was in the summer of  
23 2012; is that right?

24 A. Around August of 2012.

25 MR. BECK: Your Honor, I'm going to show

1 the witness what's been previously identified as  
2 Government's Exhibits 748 and 747. I learned that  
3 Exhibit 748 has already been admitted as Defense  
4 V-24. And Exhibit 747 is the same as Defendants'  
5 Exhibit Z-4.

6 THE COURT: Do you want to move your  
7 exhibits?

8 MR. BECK: I do. I'll move to admit  
9 Government's Exhibits 747 and 748.

10 THE COURT: Any defendant have any  
11 objection? Not hearing any, then Government's  
12 Exhibits 747 and 748 will be admitted into evidence.

13 (Government Exhibits 747 and 748  
14 admitted.)

15 BY MR. BECK:

16 Q. All right. Mr. Urquizo, I think you were  
17 shown this on cross-examination at some point. Do  
18 you recognize this to be your physical location  
19 history?

20 A. Yes, it looks like it, yes.

21 Q. And I'm going to go down here to the  
22 middle of the first page of Government's Exhibit  
23 748. And I pressed the wrong button. But I'll get  
24 out of here.

25 Now, directing your attention to the

1 middle of that page, where it says 9/12/2011, where  
2 were you housed September 12 of 2011?

3 A. In W105. At the north. 3-B W105.

4 Q. North?

5 A. Yeah.

6 Q. And then the line above that, it looks  
7 like maybe you were moved later that afternoon to  
8 another pod in the north?

9 A. Yes, I went to V107, to north 3-B would be  
10 107.

11 Q. Then it looks like --

12 A. I was transported to the South.

13 Q. When were you transported to the South?

14 A. 9/27/2012.

15 Q. So is that September of 2012?

16 A. Yes.

17 Q. I'm showing you now what's been admitted  
18 as Government's Exhibit 747. Is that the physical  
19 location history of Anthony Ray Baca?

20 A. That's what it says on the top, yes.

21 Q. And now I'm showing you the summer of  
22 2012. And in the summer of 2012 was Mr. Baca  
23 housed --

24 A. North, 3-A, Q106.

25 Q. And is that where you told me earlier you

1 talked to him when he was in Q pod?

2 A. Yes, sir.

3 MR. BECK: Do you have Exhibit EO, the  
4 letter? Is that around here somewhere?

5 THE COURT: Ms. Jacks, do you have EO?

6 MS. JACKS: EO?

7 THE COURT: That was Ms. Bhalla, I guess,  
8 that had EO.

9 MS. BHALLA: Your Honor, I think we left  
10 it up there. I can double-check.

11 I'm sorry, Your Honor, I have it. Sorry.

12 BY MR. BECK:

13 Q. Ms. Urquizo, I'm showing you what was  
14 admitted with Ms. Bhalla as Defendants' Exhibit EO.  
15 This is the letter that we stipulated was found in  
16 your cell. But you didn't recognize that as your  
17 handwriting?

18 A. No, sir.

19 Q. Is that right?

20 A. That's right.

21 Q. And before it was presented to you and  
22 told to you that it was in your cell, had you seen  
23 that letter before?

24 A. No.

25 MR. BECK: Your Honor, I'm going to

1 approach with Government's Exhibit 749 and  
2 Government's Exhibit 750.

3 MR. VILLA: May we approach, Your Honor?

4 THE COURT: You may.

5 (The following proceedings were held at  
6 the bench.)

7 MR. VILLA: Your Honor, we've never seen  
8 these letters before. And according to Mr. Beck,  
9 they just received them.

10 MR. BECK: I was handed them yesterday by  
11 Mr. Urquizo's counsel.

12 THE COURT: Who is that?

13 MR. BECK: Rosanne Camunez.

14 MR. VILLA: Could we take a minute to read  
15 them?

16 THE COURT: What are you going to do? Try  
17 to introduce them?

18 MR. BECK: No, I'm just going to ask if he  
19 wrote this one and then look and compare that to the  
20 handwriting that was found in his cell.

21 MR. VILLA: He already denied that he  
22 wrote the letter in his cell. So what the relevance  
23 of this would be --

24 MS. BHALLA: He also denied that he even  
25 knew it was in his cell. And the other day I

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